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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,
Plaintiff,
v.
APPLE INC., a California corporation,
Defendant.

) Case Nos. 4:20-CV-05640-YGR
)
)
) CLASS ACTION COMPLAINT
)
) DECLARATION OF BENJAMIN M.
) CROSSON IN SUPPORT OF NON-
) PARTY APP ANNIE'S
) ADMINISTRSTIVE MOTION TO
) SEAL
)
)

1 I, Benjamin M. Crosson, declare:

2 1. I am a partner at the law firm of Wilson Sonsini Goodrich & Rosati P.C., counsel
3 for non-party App Annie Inc. (“App Annie”), and am licensed to practice law in the State of
4 California and admitted to practice before this Court. I have personal knowledge of the facts set
5 forth herein and, if called as a witness, could testify thereto.

6 2. On March 31, 2020, plaintiff in the related case *Cameron et al. v. Apple, Inc.*,
7 Case No. 4:19-cv-03074-YGR (“*Cameron*”) served a Subpoena to Produce Documents,
8 Information, or Objects on App Annie. On August 5, 2020, Defendant Apple also served a
9 Subpoena to Produce Documents, Information, or Objects in connection with the *Cameron*
10 matter.

11 3. App Annie met and conferred with the *Cameron* parties separately and came to an
12 agreement on the scope of estimate data to be produced. Pursuant to and designated Confidential
13 under the protective order entered in the *Cameron* matter, App Annie produced over fifteen
14 terabytes of estimate data to the *Cameron* parties.

15 4. In November 2020, the parties in the *Cameron* matter informed App Annie that
16 Plaintiff Epic Games brought suit against Apple in the above-captioned matter, and that the
17 *Cameron* parties intended to share all third-party productions made in connection with the
18 *Cameron* matter with Plaintiff. App Annie agreed to allow the *Cameron* parties to share the
19 information it produced to those parties with Plaintiff, pursuant to the protective order entered in
20 this matter.

21 5. On November 25, 2020, the *Cameron* parties made an additional request for
22 definition information for certain fields of the estimate data.

23 6. On December 14, 2020, Plaintiff Epic Games also served a Subpoena to Produce
24 Documents, Information, or Objects on App Annie.

25 7. In January 2021, App Annie produced the additional requested estimate data to
26 Plaintiff Epic Games and produced a proprietary document describing the the estimate data
27 (“Bulk API Documentation”). This information was designated Confidential pursuant to the
28 protective order entered in the above-captioned matter.

1 8. On April 24, 2021, counsel for Apple contacted counsel for App Annie, indicating
2 that Exhibits DX-5408, DX-5409, DX-5410, DX-5411, and DX-3591 were on Apple’s exhibit
3 list for the trial in this matter, scheduled to start May 3, 2021. Apple’s counsel instructed App
4 Annie to file a motion in support of sealing the Exhibits if App Annie wanted to protect the
5 Confidential designation of the produced information. In a follow-up communication on April
6 26, 2021, Apple’s counsel indicated that “these data are likely to be used only in summary
7 exhibits.”

8 9. I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct.

10 || Executed this 28th day of April, 2021, in Palo Alto, California.

12 /s/*Benjamin M. Crosson*
Benjamin M. Crosson